



Rep. Frances Ann Hurley

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09800SB2154ham001

LRB098 08299 MLW 45263 a

1 AMENDMENT TO SENATE BILL 2154

2 AMENDMENT NO. _____. Amend Senate Bill 2154 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 11-208.7 as follows:

6 (625 ILCS 5/11-208.7)

7 Sec. 11-208.7. Administrative fees and procedures for
8 impounding vehicles for specified violations.

9 (a) Any municipality may, consistent with this Section,
10 provide by ordinance procedures for the release of properly
11 impounded vehicles and for the imposition of a reasonable
12 administrative fee related to its administrative and
13 processing costs associated with the investigation, arrest,
14 and detention of an offender, or the removal, impoundment,
15 storage, and release of the vehicle. The administrative fee
16 imposed by the municipality may be in addition to any fees

1 charged for the towing and storage of an impounded vehicle. The
2 administrative fee shall be waived by the municipality upon
3 verifiable proof that the vehicle was stolen at the time the
4 vehicle was impounded.

5 (b) Any ordinance establishing procedures for the release
6 of properly impounded vehicles under this Section may impose
7 fees for the following violations:

8 (1) operation or use of a motor vehicle in the
9 commission of, or in the attempt to commit, an offense for
10 which a motor vehicle may be seized and forfeited pursuant
11 to Section 36-1 of the Criminal Code of 2012; or

12 (2) driving under the influence of alcohol, another
13 drug or drugs, an intoxicating compound or compounds, or
14 any combination thereof, in violation of Section 11-501 of
15 this Code; or

16 (3) operation or use of a motor vehicle in the
17 commission of, or in the attempt to commit, a felony or in
18 violation of the Cannabis Control Act; or

19 (4) operation or use of a motor vehicle in the
20 commission of, or in the attempt to commit, an offense in
21 violation of the Illinois Controlled Substances Act; or

22 (5) operation or use of a motor vehicle in the
23 commission of, or in the attempt to commit, an offense in
24 violation of Section 24-1, 24-1.5, or 24-3.1 of the
25 Criminal Code of 1961 or the Criminal Code of 2012; or

26 (6) driving while a driver's license, permit, or

1 privilege to operate a motor vehicle is suspended or
2 revoked pursuant to Section 6-303 of this Code; except that
3 vehicles shall not be subjected to seizure or impoundment
4 if the suspension is for an unpaid citation (parking or
5 moving) or due to failure to comply with emission testing;
6 or

7 (7) operation or use of a motor vehicle while
8 soliciting, possessing, or attempting to solicit or
9 possess cannabis or a controlled substance, as defined by
10 the Cannabis Control Act or the Illinois Controlled
11 Substances Act; or

12 (8) operation or use of a motor vehicle with an expired
13 driver's license, in violation of Section 6-101 of this
14 Code, if the period of expiration is greater than one year;
15 or

16 (9) operation or use of a motor vehicle without ever
17 having been issued a driver's license or permit, in
18 violation of Section 6-101 of this Code, or operating a
19 motor vehicle without ever having been issued a driver's
20 license or permit due to a person's age; or

21 (10) operation or use of a motor vehicle by a person
22 against whom a warrant has been issued by a circuit clerk
23 in Illinois for failing to answer charges that the driver
24 violated Section 6-101, 6-303, or 11-501 of this Code; or

25 (11) operation or use of a motor vehicle in the
26 commission of, or in the attempt to commit, an offense in

1 violation of Article 16 or 16A of the Criminal Code of 1961
2 or the Criminal Code of 2012; ~~or~~

3 (12) operation or use of a motor vehicle in the
4 commission of, or in the attempt to commit, any other
5 misdemeanor or felony offense in violation of the Criminal
6 Code of 1961 or the Criminal Code of 2012, when so provided
7 by local ordinance; or -

8 (13) operation or use of a motor vehicle in violation
9 of Section 11-503 of this Code:

10 (A) while the vehicle is part of a funeral
11 procession; or

12 (B) in a manner that interferes with a funeral
13 procession.

14 (c) The following shall apply to any fees imposed for
15 administrative and processing costs pursuant to subsection
16 (b):

17 (1) All administrative fees and towing and storage
18 charges shall be imposed on the registered owner of the
19 motor vehicle or the agents of that owner.

20 (2) The fees shall be in addition to (i) any other
21 penalties that may be assessed by a court of law for the
22 underlying violations; and (ii) any towing or storage fees,
23 or both, charged by the towing company.

24 (3) The fees shall be uniform for all similarly
25 situated vehicles.

26 (4) The fees shall be collected by and paid to the

1 municipality imposing the fees.

2 (5) The towing or storage fees, or both, shall be
3 collected by and paid to the person, firm, or entity that
4 tows and stores the impounded vehicle.

5 (d) Any ordinance establishing procedures for the release
6 of properly impounded vehicles under this Section shall provide
7 for an opportunity for a hearing, as provided in subdivision
8 (b) (4) of Section 11-208.3 of this Code, and for the release of
9 the vehicle to the owner of record, lessee, or a lienholder of
10 record upon payment of all administrative fees and towing and
11 storage fees.

12 (e) Any ordinance establishing procedures for the
13 impoundment and release of vehicles under this Section shall
14 include the following provisions concerning notice of
15 impoundment:

16 (1) Whenever a police officer has cause to believe that
17 a motor vehicle is subject to impoundment, the officer
18 shall provide for the towing of the vehicle to a facility
19 authorized by the municipality.

20 (2) At the time the vehicle is towed, the municipality
21 shall notify or make a reasonable attempt to notify the
22 owner, lessee, or person identifying himself or herself as
23 the owner or lessee of the vehicle, or any person who is
24 found to be in control of the vehicle at the time of the
25 alleged offense, of the fact of the seizure, and of the
26 vehicle owner's or lessee's right to an administrative

1 hearing.

2 (3) The municipality shall also provide notice that the
3 motor vehicle will remain impounded pending the completion
4 of an administrative hearing, unless the owner or lessee of
5 the vehicle or a lienholder posts with the municipality a
6 bond equal to the administrative fee as provided by
7 ordinance and pays for all towing and storage charges.

8 (f) Any ordinance establishing procedures for the
9 impoundment and release of vehicles under this Section shall
10 include a provision providing that the registered owner or
11 lessee of the vehicle and any lienholder of record shall be
12 provided with a notice of hearing. The notice shall:

13 (1) be served upon the owner, lessee, and any
14 lienholder of record either by personal service or by first
15 class mail to the interested party's address as registered
16 with the Secretary of State;

17 (2) be served upon interested parties within 10 days
18 after a vehicle is impounded by the municipality; and

19 (3) contain the date, time, and location of the
20 administrative hearing. An initial hearing shall be
21 scheduled and convened no later than 45 days after the date
22 of the mailing of the notice of hearing.

23 (g) In addition to the requirements contained in
24 subdivision (b) (4) of Section 11-208.3 of this Code relating to
25 administrative hearings, any ordinance providing for the
26 impoundment and release of vehicles under this Section shall

1 include the following requirements concerning administrative
2 hearings:

3 (1) administrative hearings shall be conducted by a
4 hearing officer who is an attorney licensed to practice law
5 in this State for a minimum of 3 years;

6 (2) at the conclusion of the administrative hearing,
7 the hearing officer shall issue a written decision either
8 sustaining or overruling the vehicle impoundment;

9 (3) if the basis for the vehicle impoundment is
10 sustained by the administrative hearing officer, any
11 administrative fee posted to secure the release of the
12 vehicle shall be forfeited to the municipality;

13 (4) all final decisions of the administrative hearing
14 officer shall be subject to review under the provisions of
15 the Administrative Review Law; and

16 (5) unless the administrative hearing officer
17 overturns the basis for the vehicle impoundment, no vehicle
18 shall be released to the owner, lessee, or lienholder of
19 record until all administrative fees and towing and storage
20 charges are paid.

21 (h) Vehicles not retrieved from the towing facility or
22 storage facility within 35 days after the administrative
23 hearing officer issues a written decision shall be deemed
24 abandoned and disposed of in accordance with the provisions of
25 Article II of Chapter 4 of this Code.

26 (i) Unless stayed by a court of competent jurisdiction, any

1 fine, penalty, or administrative fee imposed under this Section
2 which remains unpaid in whole or in part after the expiration
3 of the deadline for seeking judicial review under the
4 Administrative Review Law may be enforced in the same manner as
5 a judgment entered by a court of competent jurisdiction.

6 (j) The provisions of this Section apply to counties for
7 the limited purpose of enforcing paragraph (13) of subsection
8 (b) of this Section.

9 (Source: P.A. 97-109, eff. 1-1-12; 97-1150, eff. 1-25-13.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."